

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Sam Cynamon  
Patent No.: 6,475,047  
Issue Date: November 5, 2002  
Serial No: 09/785,941  
Filed: February 16, 2001  
For: RESCUE DEVICE  
Confirmation No.: 4399  
Petitions Attorney: Patricia Faison-Ball

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

STATEMENT OF FREDERICK BILLS

S I R:

I, Frederick Bills, residing at 471 Hart Street #3, Brooklyn, NY 11221, hereby declare that:

I have been employed as a Docket Clerk at Lucas & Mercanti, LLP from August 1, 2009 to the present. As such, I am very familiar with the circumstances surrounding the docketing of matters that were transferred from Robert P. Michal's former firm, Frishauf, Holtz, Goodman & Chick, P.C., now called Holtz, Holtz, Goodman & Chick, P.C. (hereinafter "Holtz"), to Lucas & Mercanti,

LLP (hereinafter "L&M").

I have received formal training regarding the docketing of matters from the Docket Managers that I have worked for at L&M. In addition, to enhance our training, L&M has provided independent docketing consultants to instruct me and the other docketing department members in connection with the docketing of IP matters.

During the time that matters were being transferred from Holtz to L&M, we were provided with a Holtz prepared docket report for each client and Excel charts for each client listing the matters being transferred. It is my understanding that the Excel charts were created by Ms. Joanne Rhee, Mr. Michal's Legal Assistant/Paralegal, and that these charts were created from docket reports provided by Holtz. I entered each matter listed in the Excel charts and Holtz docket reports provided to me into our docketing system and cross-referenced the information against the physical office file provided by Holtz. I also updated the corresponding file to include a new docket number corresponding to the L&M docketing system. Moreover, I accessed the Patent Application Information Retrieval (PAIR) System for each matter entered into the L&M docketing system to confirm that each entry included the proper information. The process of entering information in the L&M docketing system took many weeks, and was cross-referenced and checked by our docketing manager at the time,

Ms. Christine Ponger, who left L&M on or about October 14, 2010 to join another IP law firm. After the matters for each client were entered into the L&M docketing system, I provided an L&M docket report, along with the Excel chart provided by Ms. Rhee and the Holtz docket report along with the physical file and a PAIR printout to Ms. Ponger for review.

Periodically, the Holtz firm sends mail to our office, including Patent Office correspondence which is addressed to Mr. Robert Michal at the Holtz firm, or which concerns matters for which Mr. Michal was responsible while he was at the Holtz firm, and which he is now handling at L&M. I am the person who receives these items of mail when they are forwarded to L&M. I ensure that the relevant items have been entered into our docketing system. If they have not already been entered, I enter the matters into our docketing system and, where appropriate, each item of correspondence and the office file to which it pertains is forwarded to Mr. Michal for his consideration.

It is my understanding that if a Notice would have been issued by the USPTO to the Holtz firm regarding the maintenance fee for USP 6,475,047 or any other matter that was transferred to L&M, that notice would have been forwarded to L&M by the Holtz firm, since the Holtz firm was forwarding all USPTO-related mail addressed to Mr. Michal to L&M. If the notice was received in our

office, I would have reviewed the item and docketed the matter as necessary.

I do not have any recollection of receiving correspondence from the Holtz firm concerning U.S. Patent No. 6,475,047 relating either to the initial maintenance fee due date or to the expiration of the patent due to failure to pay the maintenance fee. No entry had been made in our system prior to January 30, 2013, the date when Mr. Michal advised me that Mr. Cynamon contacted him regarding the maintenance fee payment for USP 6,475,047. At the time that Mr. Michal advised Lori Cindrich, the current Docketing Manager, and me that he was contacted by Mr. Cynamon regarding the maintenance fee for USP 6,475,047, Lori Cindrich entered this matter into our docketing system for the first time, and a docket entry and corresponding file were opened. (See Exhibit attached showing a creation date of January 30, 2013). I then accessed the U.S. Patent Office records regarding USP 6,475,047 and determined that the maintenance fee was not timely paid in connection with USP 6,475,047. Thereafter, I conducted a complete search of our docketing system for any matter relating to USP 6,475,047 and determined that a docket entry and corresponding office file were not previously opened in connection with USP 6,475,047. I also confirmed by searching our electronic correspondence records that no electronic communications were

received in connection with USP 6,475,047.

This Statement is written in support of the Petition for Reconsideration of the Dismissal of the Petition to accept the unavoidably delayed payment of the maintenance fee for the Patent No. 6,475,047.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date May 1, 2013

  
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Frederick Bills

# EXHIBIT

Case Number: 44429-02

Country: US

United States of America

Sub Case:

Client Name: Sam Cynamon

Client Reference:

Old Case Number:

Application Status: Granted

Case Type: ORD

Status Date: 30-Jan-2013

Application Title: RESCUE DEVICE

Application No.: 09/785,941

Filing Date: 16-Feb-2001

Confirmation No.: 4399

Publication No.: US 2001-0024918 A1

Publication Date: 27-Sep-2001

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Parent App. No.:

Parent Filing Date:

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PatentTermAdj: 0 Days

Tax Start Date:

Tax Schedule: LE

Owner Name:

Agent Name:

Agent Reference:

**Abstract:** An improved rescue device includes a floatation material, a flexible mesh disposed about the floatation material wherein the flexible mesh is in contact with an outer surface of the floatation material, and a bonding material covering the flexible mesh and the floatation material. The floatation material is a closed cell foam material, the flexible mesh is a nylon mesh, and the bonding material is a polyvinyl chloride paint. The rescue device may also include a tow line affixed to one end thereof and a plurality of rings arranged along the length of the tow line. A harness may be coupled to one end of the tow line and a securement device may be coupled to the tow line to retain the tow line in a compressed state. The securement device may be a collar which fastens upon itself by hook and loop fasteners.

Designated Countries:Inventors:

Inventor Name

CYNAMON, Sam

Priority Information:

Country

Case Type

Application No.

Filing Date

United States of America

PRO

60/183,353

18-Feb-2000

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